

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE SEIDEL

-----X
VINCENT COLETTI and JULIA CAMP,

Plaintiffs,

-against-

MICHAEL C. GLASSEY, individually,

Defendant.
-----X

Plaintiffs VINCENT COLETTI and JULIA CAMP, by their attorneys Lovett &
Bellantoni, LLP for their complaint respectfully state:

COMPLAINT

Jury Trial Demanded

ORIGINAL

09 Civ. 7590

FILED
U.S. DISTRICT COURT
2009 SEP -1 A 11:17
S.D. OF N.Y.

NATURE OF THE ACTION

1. This is an action for compensatory and punitive damages, proximately resulting from a violation of Plaintiff's rights as guaranteed by the Fourth Amendment to the United States Constitution, 42 U.S.C. §1983.

JURISDICTION

2. The Court's jurisdiction is invoked pursuant to 28 U.S.C. §§1331, 1343.

THE PARTIES

3. Plaintiffs VINCENT COLETTI (hereinafter alternatively "Coletti") and JULIA CAMP (hereinafter alternatively "Camp") are citizens of the United States and

respectively domiciliaries of the State of New York and the State of New Jersey. Coletti is a resident of the Northern Counties.

4. Defendant MICHAEL C. GLASSEY (hereinafter “Glassey”), who is sued in his individual and personal capacities only, at all times relevant to this complaint was employed as a New York State Trooper assigned to the Haverstraw barracks of the Division of State Police. Upon information and belief several years ago Glassey engaged in a high speed chase of a motorcyclist as a result of which Glassey’s troop car was damaged and Glassey sustained serious injuries; as a result he harbors animus towards motorcyclists.

THE FACTS

5. At or about 8:30 p.m. on September 2, 2008, Plaintiffs were proceeding southbound on a motor cycle on the Palisades Interstate Parkway in the County of Rockland. Coletti was the operator; Camp, the passenger, sat behind him.

6. Plaintiffs’ took the Orangeburg Road exit off the Parkway and slowed to approximately fifteen miles per hour as they approached a traffic light.

7. As they did so Glassey approached them from their left rear and intentionally side-swiped them with his troop car, striking the left side of the motorcycle with the right side of his motor vehicle.

8. The impact knocked the motorcycle over and threw both Plaintiffs onto the roadway surface.

9. Plaintiffs both sustained serious physical injury. The motorcycle was substantially damaged.

10. As a proximate result of Defendant's conduct Plaintiffs were intentionally subjected to the use of excessive force and caused to endure: pain, suffering, emotional upset, anxiety, public humiliation, out-of-pocket losses, and they were otherwise rendered sick and sore.

AS AND FOR A CLAIM

11. Repeat and reallege as if fully set forth the allegations of fact contained in paragraphs "1" to "10", inclusive.

12. Under the premises Defendant violated Plaintiffs' rights as guaranteed by the Fourth Amendment to the United States Constitution, 42 U.S.C. §1983.

WHEREFORE judgment is respectfully demanded:

- a. Awarding such compensatory damages as the jury may determine,
- b. Awarding such punitive damages as the jury may impose, and,
- c. Granting such other and further relief as to the Court seems just and proper.

Dated: Hawthorne, N.Y.
August 10, 2009

LOVETT & BELLANTONI, LLP

By: 

Jonathan Lovett (4854)

Attorney for Plaintiff

37 A Saw Mill River Road

Hawthorne, New York 10532

914-347-4500